

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Pension Fund,
Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Welfare Fund,
Stephen Flanagan, as Trustee of the General Building Laborers' Local 66 Annuity Fund,
Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Laborers' Employer Cooperative and Educational Trust Fund,
Stephen Flanagan as a Trustee of the General Building Laborers' Local 66 Greater NY Laborers' Employer Cooperative and Educational Trust Fund, Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Training Program, Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 New York State Health and Safety Fund, Stephen Flanagan, as Business Manager of General Building Laborers' Local Union No. 66 of the Laborers' International Union of North America, AFL-CIO,

Plaintiffs,

-against-

D and D Rubbish Removal Corp. and Peter Donato,

Defendants.

-----X

APPEARANCES:

Law Offices of William T. LaVelle, P.C.

Attorneys for the plaintiffs

The LaVelle Building

57 East Main Street

Patchogue, NY 11772

By: Alicia M. Menechino, Esq., of Counsel

ORDER

10-cv-2270 (ADS)(ARL)

NO APPEARANCE:

D and D Rubbish Removal Corp.
Peter Donato

SPATT, District Judge.

The plaintiffs commenced this action on or about May 18, 2010, asserting various labor-related claims against the defendants. On January 8, 2011, the Court entered a default judgment against the defendants, and referred the matter to United States Magistrate Judge Arlene R. Lindsay for an inquest as to damages, appropriate injunctive relief, appropriate attorney's fees, and costs. On April 28, 2011, Judge Lindsay issued a thorough Report recommending that the plaintiff be awarded damages in the amount of:

- \$3,339.60 for delinquent contributions;
- \$297.67 in interest on the delinquent contributions;
- \$297.67 in liquidated damages; and
- \$350.00 in costs.

To date, no objection has been filed to Judge Lindsay's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Lindsay's

Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Lindsay's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Lindsay's Report and Recommendation is adopted in its entirety; and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount of \$3,934.94 in damages, plus \$350.00 in costs; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 6, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge